



# APPEALS TO THE PLANNING COMMISSION

**Purpose:** The Zoning Ordinance empowers staff with the authority to make certain decisions and interpretations. The purpose of the appeal procedure is to provide persons dissatisfied with a decision by staff, made in the course of administering the Zoning Ordinance, a recourse from the decision.

**Code Reference:** Fremont Municipal Code Title 8, Chapter 2, Article 30.

I understand that my plan review may be delayed if required materials are missing from the submittal package.

\_\_\_\_\_  
Project Applicant

\_\_\_\_\_  
Date

## Submittal Requirements:

### NOTE:

- Indicates an item which is always required.
- ☐ Indicates an item which may be required, depending on the project. The staff person who provides you this sheet will check (✓) the box if the item is required for your application.

- 1. Fifteen copies of a signed and dated letter of appeal, containing:
  - a. Specific action being appealed;
  - b. Specific grounds of the appeal, including the basis for any findings required for project approval or denial; and
  - c. The specific action you are requesting the Commission to take.
- ☐ 2. Plans or drawings if necessary to illustrate the appeal.
- ☐ 3. The number of plans or drawings required to be submitted with the appeal (if any) are:
  - a. Fifteen sets of any plans or drawings (collated and folded to a size NO LARGER THAN 8" x 13").

- b. One rolled set of reproducible reverse sepia of any plans or drawings (unless the plans or drawings are 11" x 17" or smaller).

NOTE: Plans or drawings submitted should be no larger than 30" x 42".

- 4. A list of all consultants proposed to be involved with the project, or a statement that none are proposed to be involved.

**Time Limit:** An appeal by a direct subject appellant must be filed within ten calendar days of a written notice of the action appealed from being given personally to the appellant, or being deposited with the United States Postal Service. An appeal by a third party appellant must be filed within ten days of the action being appealed.

A direct subject appellant is any person who appeals an action taken:

- (1) in connection with an application which he/she filed or which was filed on his/her behalf with an administrative agency; or
- (2) in connection with suspension or revocation of any license, permit, certificate or other entitlement previously granted or issued to him/her; or
- (3) ordering him/her, or advising him/her that he/she will be required, to perform or cease and desist from performing any act or correct any omission or deficiency.

A third party appellant is any other person aggrieved by an action.

**Incomplete Appeals:** An appeal will be considered incomplete if any of the items checked on this information sheet have not been included. Processing of the appeal will be delayed until the submittal is determined to be complete.

**Hearing Notification:** The City will notify all property owners, as well as business and residential tenants within the appropriate radius of your project area. Most projects require a 300-foot radius, while some require 1,000-foot based on the sensitivity of the project and the level of community input anticipated or required.

As with all other costs, you will be billed for staff time to research, create and label the required postcards. If the public hearing is delayed for an extended period of time after notices for your project have been mailed, you will be charged the cost to re-mail postcards.

**Schedule Time Line:** Appeals are generally acted upon by the Commission within 28 days of receipt of the appeal.

**Appeal of Planning Commission Action:** Appeals of Planning Commission action are considered by the City Council. Appeals to the City Council must be submitted in writing to the City Clerk within ten calendar days of the Planning Commission action. Your appeal letter must be accompanied by a \$50 appeal fee and must set forth (a) the specific action appealed from, (b) the specific ground of the appeal, and (c) the relief or action sought from the City Council

(Section 1-5105 of the Fremont Municipal Code). For additional details regarding appeals to the City Council, contact the City Clerk's office, 3300 Capitol Avenue, Fremont, CA 94538, (510) 284-4061.

**Fees:** The filing fee for an appeal to the Planning Commission is \_\_\_\_\_ and is due at the time of submittal.

Requirements described on this sheet are subject to change. If you need additional information or clarification regarding your submittal please contact the staff person who furnished you this sheet for further assistance.

Information sheet furnished by: \_\_\_\_\_ Phone: (510) 494- \_\_\_\_\_

for proposal: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_